

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAMELA BEATTIE,

Plaintiff,

Case No. 10-cv-11077

v.

HONORABLE STEPHEN J. MURPHY, III

TARGET CORPORATION,

Defendant.

_____ /

ORDER DISCHARGING SHOW CAUSE ORDER

Plaintiff filed this discrimination action against Defendant asserting jurisdiction under the diversity of citizenship statute, 28 U.S.C. § 1332. Plaintiff failed, however, to allege the state of incorporation of Defendant Target Corporation, an allegation necessary for the Court's threshold determination of whether it has jurisdiction to hear the matter. Accordingly, on April 16, 2010, the Court ordered Plaintiff to show cause in writing why the action should not be dismissed for lack of subject matter jurisdiction.

Plaintiff filed a timely response to the Court's order, stating that counsel had inadvertently left out the allegation that Target Corporation is a Minnesota corporation. Plaintiff also attached an amended complaint which Plaintiff claims amends the original complaint only in that it includes the jurisdictional allegation. Plaintiff asks the Court for leave to file the amended complaint, which the Court will grant. The added jurisdictional allegation cures the jurisdictional defect and allows the Court to conclude that Plaintiff has sufficiently alleged diversity jurisdiction. Target Corporation is alleged in the amended complaint to be a Minnesota corporation with its headquarters in Minnesota. It is therefore a citizen of Minnesota. 28 U.S.C. § 1332(c)(1); *Hertz Corp. v. Friend*, --- U.S. ----, ----; 130 S. Ct. 1181, 1192 (2010) (corporation's principal place of business is, in practice, normally

place where corporation maintains headquarters). Plaintiff is alleged to reside in Michigan, which the Court finds sufficient to allege Plaintiff's Michigan citizenship. See *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 828 (1989) (United States citizen is a citizen of state in which he/she is domiciled). With the plaintiff and defendants alleged to be citizens of different states, complete diversity exists. See *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267-68 (1806); *Peters v. Fair*, 427 F.3d 1035, 1038 (6th Cir. 2005). This conclusion is sufficient to discharge the Court's show cause order.

WHEREFORE it is hereby **ORDERED** that the Court's show cause order at docket no. 7 is **DISCHARGED**.

IT IS FURTHER ORDERED THAT Plaintiff's request for leave to file a first amended complaint is **GRANTED**. Plaintiff shall file her amended complaint as soon as possible. Defendant shall file an amended answer within five (5) days of the date the amended complaint is filed.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: April 28, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 28, 2010, by electronic and/or ordinary mail.

Alissa Greer
Case Manager